

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

C.W.P. No. 22252 of 2012 (O&M)  
Date of decision: 8.11.2012

**Board of School Education Haryana and others**

**.. Petitioners**

**v.**

**State Information Commission and another**

**.. Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Tribhuvan Dahiya, Advocate for the petitioners.

Rajesh Bindal J.

The petitioners have filed the present petition impugning the order dated 4.9.2012, passed by State Information Commission, Haryana (for short, 'the Commission'), whereby following directions have been given:

- (i) The respondent-SPIO shall put on the 'question paper' and 'answer key' to questions of STET examination, 2011 on website of the public authority send compliance report to the Commission latest by 1.10.2012.
- (ii) The respondent-SPIO shall allow inspection of her OMR sheet of answer book and question paper with regard to point No. 1 of the RTI application to the appellant and inform her within one week. The respondent-SPIO shall ensure that the inspection be meaningful in compliance with the orders of the Commission in toto and in letter and spirit. The respondent-SPIO shall send a compliance report to the Commission latest by 1.10.2012.
- (iii) The respondent public authority through respondent-SPIO shall appoint an Observer in consultation with the Deputy Commissioner, Bhiwani to ensure fair inspection

by the RTI applicants as per schedule which has already been finalised and notified by the respondent-SPIO.

- (iv) In case the appellant has any dissatisfaction with the inspection, she will be free to approach the Commission under Section 18(2) of the RTI Act.”

Learned counsel for the petitioners submitted that the petitioners are aggrieved against the directions given at Sr. Nos. (i) and (iii). The information, which was sought by the applicant, has been provided. There was no occasion for the Commission to have directed for uploading of the 'question paper' and 'answer key' on the website and further without there being any allegation that the petitioners refused to follow fair procedure for inspection of the record by any of the applicant under the Right to Information Act, 2005 (for short, 'the Act'), a direction has been issued for appointment of an Observer in consultation with Deputy Commissioner, Bhiwani to ensure fair inspection by an applicant under the Act as per the schedule already finalised and notified.

After hearing learned counsel for the petitioners, I do not find any merit in the submissions made as far as challenge to the first direction issued by the Commission regarding uploading of the 'question papers' and the 'answer keys' of STET examination, 2011 on the website of the public authority is concerned. It is only meant to avoid filing of applications by the candidates, who had appeared in the examination, for seeking information pertaining to the test taken by them. In case the 'question papers' and the 'answer keys' are uploaded on the website of the public authority, any one aggrieved of can represent or avail of his appropriate remedy after getting information. The requirement of filing applications by the candidates, which may be thousands in number, will be avoided. It will, in fact, reduce the work of the Public Authority as well for the reason that State Public Information Officer and the appellate authority are the employees working with the Public Authority only, hence, this court does not find that any illegality has been committed by the Commission in issuing direction at Sr. No. (i).

As far as direction at Sr. No. (iii) is concerned, as the case set up by the petitioners is that none has raised any objection about the procedure being followed by the petitioners for allowing inspection to any of the applicant under the Act, in the absence thereof, a direction for appointment of an Observer in consultation with Deputy Commissioner, Bhiwani may be not called for. However, it will be appropriate if the Board of School Education, Haryana appoints an Observer itself to over-view the process of inspection by the applicants under the Act. The consultation with Deputy Commissioner, Bhiwani at this stage may not be required. However, in case any of the applicant has any grievance regarding the procedure followed by the petitioners while permitting inspection of the record, the same at the first place be brought to the notice of the Secretary of the Board of School Education, which will be available in Bhiwani. In case, the grievance is still not redressed, any of the applicant shall be at liberty to avail of the option given in clause (iv) of the directions issued by the Commission.

With the aforesaid modification in the order dated 4.9.2012, the petition stands dismissed.

(Rajesh Bindal)  
Judge

8.11.2012  
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